

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6213

AN ORDINANCE approving the vacation of a portion of right-of-way adjacent to 2227 Blarney Place SE within the City of Bellevue.

WHEREAS, on May 20, 2014, the City Council received a petition to initiate the vacation of a portion of right-of-way adjacent to 2227 Blarney Place SE in the City of Bellevue; and

WHEREAS, Section 14.35.070 of the Bellevue City Code (BCC) requires that Council hold a public hearing to consider the vacation at which the Council shall determine:

- a. Whether a change of use or vacation of the described portion will better serve the public good; or
- b. Whether the street or portion thereof is no longer required for public use; or
- c. Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance; or
- d. Whether the substitution of a new and different thoroughfare would be more useful to the public; or
- e. Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
- f. Whether objections to the proposed vacation are made by owners of private property (exclusive of the petitioners) abutting the same.

WHEREAS, on October 13, 2014, the City Council passed Resolution No. 8804 fixing the time and place for a hearing to consider the vacation of a portion of right-of-way adjacent to 2227 Blarney Place SE and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said streets and the public interests served or damaged by the change in such use by the vacation, thereof, and

WHEREAS, a hearing was held upon said petition on November 3, 2014, at the time and place fixed in said resolution and notice, and

WHEREAS, only the petitioners appeared at the hearing and no other public comment was made; and

WHEREAS, following said hearing, Council made its determination based on the criteria outlined in BCC14.35.070; and

WHEREAS, following said hearing Council directed staff to bring back an ordinance vacating such street or portions thereof; and

WHEREAS, the property is a Class I right of way and is subject to payment of compensation in accordance with BCC 14.35.120 and 14.35.130; and

WHEREAS, upon fulfillment of all conditions established herein for such vacation, such portion of right-of-way adjacent to 2227 Blarney Place SE in the City of Bellevue, Washington shall be vacated; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The portion of right-of-way adjacent to 2227 Blarney Place SE located in the City of Bellevue and identified in the petition for vacation is hereby vacated subject to the fulfillment of all conditions set forth in Sections 2, 3, 4, and 5 of this ordinance.

Section 2. The City of Bellevue reserves and establishes an easement over, above and under the vacated area for City of Bellevue municipal utility purposes, including but not limited to, I-net, sewer, water and storm.

Section 3. The applicants are to ensure that the documents are recorded for said easements and pay any associated fees.

Section 4. The City Clerk is directed to record a certified copy of this ordinance with the King County Department of Records and Elections, and the City manager or his designee is directed to take any action necessary to vacate such street or portions thereof, upon evidence of satisfactory completion of all conditions of such vacation, including but not limited to, reservation of necessary City of Bellevue municipal utility easements.

Section 5. Applicant shall pay compensation to the extent and in the amount required by BCC 14.35.120, and pay all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

Section 6. This Ordinance shall take effect and be in force five days after passage and legal publication.

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1439-ORD
12/3/2014

Passed by the City Council this 8th day of December, 2014,
and signed in authentication of its passage this 8th day of December,
2014.

(SEAL)



Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Jerome Y. Roaché, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 12, 2014.